

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 9:24-cv-80499-RLR

JTC SKYWAVE INVESTMENTS LTD.,
and HARALD McPIKE

Plaintiffs,

v.

ANDREW N. MART, DEANNA BOIES,
LUMINESCENCE LLC, LUMINESCENCE
LLC, and LUMINASTRA LLC,

Defendants.

**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO RESPOND TO THE COMPLAINT**

Plaintiffs, JTC Skywave Investments Ltd., and Harald McPike, by and through their undersigned counsel, hereby file their Response in Opposition to Defendants' Motion for Extension of Time to Respond to the Complaint [ECF No. 8], as follows:

1. On January 22, 2024, Plaintiffs filed their Complaint against Defendants in the Circuit Court for the 15th Judicial Circuit of Palm Beach County, Florida [ECF No. 1-2 Page 9].

2. Defendant Deanna Boies was served on February 3, 2024, Luminescence, LLC (Florida) and Luminastra, LLC were served on February 14, 2024 and Luminescence, LLC (Illinois) was served on February 20, 2024. Shortly thereafter, counsel for Defendants reached out to Plaintiff's counsel. The parties agreed that Defendant Andrew Mart would accept service and that all Defendants would be given until May 7, 2024 to respond to the Complaint.

3. On March 21, 2024, Plaintiffs and Defendants filed a Joint Motion for Enlargement of Time for Defendants to Serve their Responses to Plaintiff's Complaint requesting the deadline be extended to May 7, 2024 [ECF No. 1-2 Page 102].

4. On March 22, 2024, the Circuit Court Judge entered an Agreed Order on Plaintiffs' and Defendants' Joint Motion for Enlargement of Time for Defendants to Serve their Responses to Complaint in which the deadline was extended to May 7, 2024 [ECF No. 1-2 Page 106].

5. On April 22, 2024, Defendants filed a Notice of Removal to the United States District Court Southern District Court of Florida [ECF No. 1].

6. Pursuant to Fed. R. Civ. P. 81 (c), after removal, Defendants have seven days from the filing of the Notice of Removal to respond to the Complaint, which would be April 29, 2024.

7. Defendants requested an extension of time to respond to the Complaint until May 20, 2024. As a professional courtesy to Defendants' new counsel, Plaintiffs agreed to an extension of time until May 7, 2024.

8. On April 24, 2024, Defendants filed their Motion for Extension of Time to Respond to the Complaint requesting an extension until May 20, 2024 ("Motion for Extension of Time") [ECF No. 8].

9. Plaintiffs oppose Defendants' Motion for Extension of Time, to extent it goes beyond May 7, 2024, because all the Defendants have had the Complaint since February, and therefore have already had several months to prepare their response.

10. Additionally, the deadline for Plaintiffs to seek remand is 30 days from the filing of the Notice of Removal, May 22, 2024. 28 U.S.C. § 1447(c). If Defendants are given until May 20, 2024 to respond, Plaintiffs will be prejudiced in that they will have little time to analyze whether some aspect of Defendants' response will bear upon Plaintiffs' decision to seek a remand by the statutory deadline.

WHEREFORE, Plaintiffs, JTC Skywave Investments Ltd., and Harald McPike, respectfully request that this Court enter an Order granting in part and denying in part Defendants'

Motion for Extension of Time to Respond to the Complaint, allowing Defendants until May 7, 2024 to respond the Complaint, and awarding any other relief the Court deems just and proper.

/s/ Mark A. Levy
MARK A. LEVY
Florida Bar No. 121320
Email: mark.levy@brinkleymorgan.com
BRINKLEY MORGAN
100 SE Third Avenue, 23rd Floor
Fort Lauderdale, Florida 33394
Telephone: 954-522-2200
Facsimile: 954-522-9123
Attorney for Plaintiffs

/s/ Gregory A. Blue
GREGORY A. BLUE
(Motion to Appear Pro Hac Vice Pending)
LACHTMAN, COHEN & BELOWICH LLP
245 Main Street, 2nd Floor
White Plains, NY 10601
Telephone: (914) 505-6654
Email: gblue@lcb-law.com
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Response was served on this 25th day of April, 2024 upon all counsel of record via the Court's CM/ECF electronic filing system.

/s/ Mark A. Levy
MARK A. LEVY
Florida Bar No. 121320
Email: mark.levy@brinkleymorgan.com
BRINKLEY MORGAN
100 SE Third Avenue, 23rd Floor
Fort Lauderdale, Florida 33394
Telephone: 954-522-2200
Facsimile: 954-522-9123
Attorney for Plaintiffs